



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.lacounty.gov>

DAVID E. JANSSEN
Chief Administrative Officer

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May 11, 2007

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
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From: David E. Janssen
Chief Administrative Officer

**MOTION TO REMAIN AS SPONSOR OF AB 800 (LIEU, BROWNLEY, KREKORIAN)
AMENDED ON MAY 3, 2007, AND CONTINUE TO PURSUE LEGISLATION ADDING
A PUBLIC HEALTH MEMBER TO REGIONAL WATER BOARDS (ITEM NO. 5,
AGENDA OF MAY 15, 2007)**

Item No. 5 on the May 15, 2007 agenda is a motion by Supervisors Knabe and Yaroslavsky to direct the County's Sacramento advocates to: 1) remain as the sponsor of AB 800 as amended to include the requirements for immediate notification of the public health officer of sewage spills and the imposition of fines for failure to notify the public health officer regarding sewage spills, and 2) to continue to pursue all legislative options to enact the provision adding a public health member to the Los Angeles Regional Water Quality Control Board.

On January 30, 2007, the Board approved a motion directing pursuit of County-sponsored legislation to: 1) require immediate notification of the local public health officer in the event of a sewage spill, 2) impose increased fines for failure to notify the local public health officer of a sewage spill, and 3) require that at least one of the members of a regional water board have a public health background.

AB 800, which included all three provisions as directed by the Board, was amended on May 3, 2007 by the Assembly Environmental Safety and Toxic Materials Committee to delete the third provision which would have added a public health member to regional water boards. The bill continues to increase the criminal penalty for failure to notify

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regarding a sewage spill from a fine of \$500 to \$1,000 to a maximum fine of \$5,000, with no minimum. It penalizes a person who willfully violates, or knowingly and intentionally fails to provide notification with a punishment of a maximum fine of \$20,000 and/or imprisonment for less than one year. It also adds a civil penalty of not more than \$1,000 for causing a sewage spill and failing to notify the local health officer or director of environmental health, and a civil penalty of \$5,000 for willfully, knowingly or intentionally causing a sewage spill and failing to notify.

Because AB 800 continues to include two important provisions for the protection of public health in Los Angeles County which would: 1) clarify the need to immediately notify the local health officer of a sewage spill, and 2) impose increased fines for a failure to make that notification, and instructs our Sacramento advocates to continue to pursue all legislative options to enact a provision adding a public health member to the Los Angeles Regional Water Quality Control Board, the Department of Public Health recommends support for the motion, and we concur.

AB 800 is supported by Environment California and Heal the Bay. The Apex Group, which represents the Marina Recreation Association, the California Association of Harbor Masters and Port Captains, the California Marine Parks and Harbors Association, the California Yacht Brokers Association, the Northern California Marine Association, and the Western Boaters Safety Group, has expressed concern about the increased fines which would be imposed on boat owners for failure to report sewage spills. The lobbyist for the Apex Group is requesting an amendment to exempt his clients from these increased fines.

The Los Angeles County Sanitation Districts and the California Association of Sanitation Districts have also expressed concerns about being subjected to the increased fines as well as the difficulty of reporting a sewage spill to both the State Office of Emergency Services and the local health officer. It should be noted that the sanitation districts are already required to make these notifications under existing law, and AB 800 does not change that requirement.

AB 800 passed the Assembly Environmental Safety and Toxic Materials Committee on April 17, 2007 with amendments by a vote of 5 to 2 and is scheduled for hearing in the Assembly Appropriations Committee on May 16, 2007.

DEJ:GK
MAL:MS:acn

c: Executive Officer, Board of Supervisors
County Counsel
Department of Public Health